



Appeal Decision

Site visit made on 11 July 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/G2245/W/22/3305991

**Field 200M South East Of Junction With New House Farm Road,
Edenbridge, Kent.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Roman Sics against the decision of Sevenoaks District Council.
- The application Ref 22/00089/FUL, dated 24 January 2022, was refused by notice dated 28 March 2022.
- The development proposed is the installation of the access gate to a plot of land from Hever Road. Construction of gravel car park. Use of site for personal agricultural needs.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) including the effect upon the openness of the Green Belt; (ii) the effect of the proposed development on the character and appearance of the area; (iii) the effect of the proposed development on the ability to access a public right of way; (iv) the effect of the proposed access on highway safety, with particular reference to visibility at the junction with Hever Road; (v) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

3. Policy LO8 of the Sevenoaks Local Development Framework Core Strategy, February 2011 (CS) sets out the approach to development in the Green Belt. I am satisfied that this policy is in broad conformity with the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
4. The term 'building' refers to any structure or erection and it therefore includes gates. In this instance, the proposed gate would enclose a field access and its appearance would be similar to many gates that are used for agricultural purposes. Furthermore, the appellant wishes to use the site for growing vegetables and other produce. In itself, this would not represent a material

change of use of the land. These elements of the proposal therefore accord with Paragraph 149(a) of the Framework.

5. However, I am satisfied that the proposed gravel parking area is an engineering operation. Paragraph 150 of the Framework states that engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The parking area would not be raised above ground level, however given its purpose, it is likely that cars would be parked on the gravel area every now and then. A parked car would affect the openness of the Green Belt to a very limited extent, both spatially and visually. Despite the very limited harm, openness would not be preserved, and so when considered as a whole, the proposal represents inappropriate development.

Character and appearance

6. The appeal site is located off Hever Road, between the settlements of Edenbridge and Hever. The immediate area is largely characterised by agricultural fields with an abundance of mature trees and hedgerows. It therefore has an extremely verdant appearance.
7. The proposed gate has an appearance that is very similar to many others that are used for enclosing field entrances. Indeed, there is an existing gate immediately next to the appeal site that is comparable. It would therefore not look in any way unusual and would not cause harm. I also have no substantive evidence before me to suggest that part of a hedgerow or other vegetation would need to be removed to provide access to the site.
8. However, converting part of the existing field into a gravel parking area would introduce a form of development that isn't seen elsewhere in the immediate area. As such, it would clearly look out of keeping and incongruous with its surroundings and would detract from its verdant character. Given that it would be reasonably large, and extend beyond the field entrance for several metres, it would appear as a separate parking area rather than an extension to the existing layby that separates the field entrance from Hever Road. The harm to the verdant character of the area would be exacerbated by the fact that it would be easily visible, being next to a road and on a public right of way.
9. The appellant has suggested that alternative materials other than gravel could be used to form the parking area. However, the description of development sets out that the material would be gravel, and in any event, whatever material was used would appear incongruous in the context of the existing field.
10. The extent and nature of the proposed development means that the harm caused would be limited. However, this is sufficient to ensure that it is in conflict with Policy EN1 of the Allocations and Development Management Plan, February 2015 (ADMP) and CS Policies SP1 and LO8. Taken together, the relevant aspects of these policies require development to be of a good design and to preserve local character.

Public right of way

11. An existing kissing gate in the nearby field boundary enables a public right of way to cross the appeal site. When open, the proposed gate could temporarily block the right of way. However, it is unlikely that it would be open for lengthy periods of time, and even if it were, it would easily be navigated by either

closing it or walking around it. As such, the extent of the right of way would not be reduced or enclosed. In addition, a gravel area would not form a difficult surface to walk on, especially as it would only be for a few metres. I therefore conclude that the proposed development would not harm the ability of users to access the public right of way. As such, it conforms with ADMP Policy EN1, the relevant aspect of which, seeks to ensure that new development provides satisfactory means of access for pedestrians.

Highway access

12. There is already a sufficient gap in the field boundary to enable the proposed access to be formed, and it does not appear that further works are planned to increase the visibility splay. While cars do travel relatively fast along the road, the existing layby would enable car users to have a sufficient view either side to enable them to exit the site safely. Given that there is no substantive evidence before me to suggest otherwise, I conclude that the proposed access would not cause harm to highway safety. As such the proposal conforms with ADMP Policy EN1, which in part, requires development to provide a satisfactory means of access for vehicles.

Other considerations

13. The appellant has set out that enabling local people to grow their own food is beneficial, and that planting additional trees and other vegetation would be in accordance with Government aims to reduce the impact of carbon emissions and enhance biodiversity. The appellant has also provided photographic evidence that the appeal site, including the public right of way, does become saturated in poor weather. It is possible therefore that, by introducing a gravel area, it would make this section of the right of way easier to traverse when there has been heavy rain. However, given the limited scale of the proposal, any benefits in relation to these issues are likely to be very limited. There is a small pile of old vegetation next to the field entrance that the appellant intends to remove if the proposed development is allowed. However, being natural vegetation, it is not unusual or unsightly in this location and so removing it would do little to enhance local character.

Conclusion

14. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm is clearly outweighed by other considerations.
15. While the proposal would not cause harm in relation to the public right of way or highway access, it is inappropriate development in the Green Belt. I have also found very limited harm to openness and limited harm to character and appearance. Even when taken together, the other considerations above do not clearly outweigh this harm. Consequently, no very special circumstances exist, and the development is contrary to CS Policy LO8 and the Framework. Therefore, for the reasons given I dismiss the appeal.

C Butcher

INSPECTOR